REMARKS

In the Office Action, the Examiner objected to claim 1 and suggested that the term "determining" be used instead of "applying." Claim 1 has been amended accordingly.

The Examiner also rejected claim 1 under 35 U.S.C. § 101 on the basis that subject matter is recited which has the option of only human operations. Claim 1 has been amended to overcome this rejection.

No claims have been added or cancelled. Thus, the present application includes claim 1 – 17, 19, 22 – 24 and 27 – 28.

Independent claims 1 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alder in view of Bohrer and further in view of Cordery. The remaining dependent claims were rejected over Alder, Bohrer and Corderly and further in view of various combinations of Clarke, Aull, Tan, Nahum, admitted prior art, Khin, Coron, Scheidt, Breslin and Kwan. For the reasons set forth below, it is respectfully submitted that all of the rejections are improper and should be withdrawn.

With respect to the rejection of claims 1 and 13, Adler, the primary reference relied on, is an object class extension software method and means for IBM's enterprise privacy architecture. The present invention, on the other hand, is database agnostic and does not rely on any specific architecture to operate.

The invention also does not access the contents of any data base or provide blank forms to any data subject (as illustrated in Figure 3 of the instant application). These features of the present invention represent substantial differences with the Adler architecture.

Moreover, in the present invention, all privacy protected date is encrypted. This is not the case in Alder. The invention also provides a determinate non-repudiation method and means. Alder does not provide such a feature and its absence is a fatal flaw of the Alder architecture.

Unlike Adler, the present invention is not an object oriented software algorithm and, indeed, is not a "software language" as such a language is defined by those of ordinary skill in the art. The invention indelibly marks the screens that contain privacy protected data and it is the screens that novice users see to help them identify that they are now dealing with privacy protected data. Such a feature is not present in Adler.

The regulations that determine what information is protected are screened for each of the privacy applications, i.e. EU privacy Directive, GLB, HIPAA/HITECH etc. From expert screening, the information categories are distilled, agnostic fields are broadly semantically identified and data field queries are generated. Again, such a feature is not found in Alder.

Alder does not disclose or suggest any of the above features of the present invention. Accordingly, it is respectfully submitted that the Alder reference does not disclose the features described in claims 1 and 13 as alleged by the Examiner. The secondary references, Bohrer and Cordery, also fail to disclose these claimed features. Thus, the rejection of claims 1 and 13 and being unpatentable over Adler in view of Bohrer and Cordery should be withdrawn.

The remaining pending claims depend, directly or indirectly, from claims 1 or 13. Thus, the depending claims distinguish over the cited prior art for the reasons set forth above.

CONCLUSION

All pending claims in the present application are believed to be in condition for allowance. Thus, an early indication of allowance of this application is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of BRUNDIDGE AND STANGER, P.C. Deposit Account No. 50-1417.

Respectfully submitted,

BRUNDIDGE & STANGER, P.C,

/Thomas L. Peterson/

Thomas L. Peterson
Registration No. 30,969

TLP/
(703) 684-1470